

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ERNEST MURPHY,

Defendant.

No. 18-cr-373-11 (RJS)

ERNEST MURPHY,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

No. 23-cv-1937 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of Defendant Ernest Murphy's request for leave to amend his pending motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 and his supporting declaration. On June 26, 2023, the Court granted Defendant's motion to stay his section 2255 motion pending the Second Circuit's resolution of his appeal from this Court's Order denying his motion under Rule 33 of the Federal Rules of Criminal Procedure. (*See* Doc. No. 979.) On December 20, 2023, the Court extended the stay until June 20, 2024 based on the government's representation that oral argument had not yet been scheduled in Defendant's appeal. (*See* Doc. No. 1002.) In light of this stay, the Court declines to consider Defendant's request for leave to amend and declaration at this time, but will maintain these submissions under seal in the event that Defendant intends to reference them in a subsequent filing. Defendant may renew his request for leave to amend once the stay is lifted.

The Clerk of Court is respectfully directed to mail a copy of this Order to Defendant Ernest Murphy.

SO ORDERED.

Dated: January 24, 2024  
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation